

sokaparidevadukkhadomanassupāyāsā nirujjhanti evaṃ etassa kevalassa dukkhakkhandassa nirodho hoti 101, end. **Vipassanābhūmi-pāṭha**  
 so puggalo upalabbhati sacchikatthaparamatthenā ti | micchā | 271, end. **Kathāvatthu** (6 lines); 438, end. **Kathāvatthu** (1 page)  
 Soḷasadhammappabhedasaṅgahaṃ paṭhamabhāṇavara 147  
 Hetugocchaka 421  
 hetuppaccayo ārammaṇappaccayo adhipatippaccayo anantarappaccayo 101, beg. **Paṭṭhānamātikāpāṭha** (6 lines); 271, **Mahā-paṭṭhāna** (7 lines); 431, beg. **Paṭṭhāna** (8 lines); 440, **Paṭṭhāna** (1 page)  
 hetū kho pana dhammā sahetukā pi ahetukā pi 421, end. **Hetugocchaka**  
 hetū dhammā na hetū dhammā sahetukā dhammā ahetukā dhammā hetu sampayuttā dhammā 420, beg. **Hetugocchaka**

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## THE ARISING OF AN OFFENCE: *āpattisamuṭṭhāna*

### A note on the structure and history of the Theravāda-Vinaya

The article on the Vinaya word *āpatti-samuṭṭhāna* in the CPD<sup>1</sup> provides little more than the most basic information. Besides the translation and the statement that there are six groups of *āpatti-samuṭṭhāna*, a very few references limited to the Vinaya-Piṭaka and the Samantapāsādikā are given. It is not said what these six groups are, nor is the second set of 13 names of origins mentioned, although two of them actually occur in CPD I, if only as subtitles of a chapter in the Parivāra: *addhāna-samuṭṭhāna* and *ananuññāta-samuṭṭhāna*. A third word belonging to this set almost inevitably escaped the attention of the authors of CPD I in 1931 and 1944 (addenda), as the PTS edition of the Kaṅkhāvitaraṇī containing *adinnādāna-samuṭṭhāna* (Kkh 23,17) appeared only in 1956, and the Sinhalese print of 1905 mentioned in the Epilegomena may not have been available.

Progressing in the alphabet, the CPD reached another word relevant in this connection: *elakaloma-samuṭṭhāna* “sheep’s wool origin”, which is translated in this way following I.B. Horner (*BD* VI, London 1966, p. 129 = Vin V 88,37). Again, extreme brevity and the lack of further explanation leaves the reader wondering what this word really means, especially as the preceding entry *elakalomasadisā* is said to signify “like sheep’s wool”, referring to *samuṭṭhānādīni elakalomasadisāni* (Kkh 102,3 [read 102,9] ≠ 103,4). This results in a somewhat enigmatic translation of the relevant sentence: “origins like sheep’s wool, etc.”

<sup>1</sup> The system of abbreviations used follows: V. Trenckner: *A Critical Pāli Dictionary*, Vol. I, Copenhagen 1924–48; Epilegomena (1948) and H. Bechert: *Abkürzungsverzeichnis zur buddhistischen Literatur in Indien und Südostasien*. Sanskrit-Wörterbuch der buddhistischen Texte aus den Turfan-Funden. Beiheft 3. Göttingen 1990. Translations from the Vinaya follow: I.B. Horner: *BD*, I–VI, London 1938–66.

It may, therefore, not be altogether useless to explain the different references to *samuṭṭhāna* in some detail, although some, at least, of the most basic facts can be gathered, e.g. from C.S. Upasak's *Dictionary of Early Buddhist Monastic Terms*, (Benares 1975, p. 225, s.v. *samuṭṭhāna*), or from I.B. Horner's translation of the Parivāra (*BD*, VI). Furthermore, a full understanding of the *samuṭṭhāna* sheds some light on the development of Buddhist ecclesiastical law, on the methods of the Vinaya commentaries, and finally on the somewhat peculiar position of the Milindapañha regarding the interpretation of the Vinaya.

In the fourth chapter of the Cullavagga, the *samathakkhandhaka*, the earliest extant classification of six *samuṭṭhāna* can be found, when the question: *āpattādhikaraṇassa kiṃ mūlaṃ* (Vin II 90,29), "what is the root of a legal question concerning an offence (laid down in the Vinaya)?"<sup>2</sup> is answered by: *cha āpattisamuṭṭhānā āpattādhikaraṇassa mūlaṃ* (Vin II 90,29 foll.), "six origins of offences are the root of a legal question". These six origins depend on whether an offence arises from:

1. *kāyato na vācato na cittato*
2. *vācato na kāyato na cittato*
3. *kāyato ca vācato ca, na cittato*
4. *kāyato ca cittato ca, na vācato*
5. *vācato ca cittato ca, na kāyato*
6. *kāyato ca vācato ca cittato ca* (Vin II 90,30–35).

This paragraph is not commented on in the Samantapāsādikā.

Consequently, no offence can arise in mind (*citta*) only: If a monk only thinks of an offence without actually committing it, this intention is not considered as an *āpatti* according to this classification.

Evidently, this text presupposes a common knowledge about this classification among Theravāda monks. For the attribution of these

<sup>2</sup> In Theravāda law there are four such "legal questions" (*adhikaraṇa*, in contrast to *aṭṭa* "worldly legal question" [cf. *IT* 7, 1979, p. 278 note 12]) concerning 1. *vivāda* "dispute", 2. *anuvāda* "admonition", 3. *āpatti* "offence (against ecclesiastical law)", 4. *kicca* "legal procedure (of the Saṃgha such as *kammavācā* [cf. *StII* 13/14, 1987, p. 102])", Vin II 88,18–20.

origins to single rules of the *pāṭimokkhasutta* is not explained in the Mahāvagga or in the Cullavagga, which for the most part contain the "historical" information about the Vinaya rules, as they record the incidents which induced the Buddha to prescribe a certain rule or to allow a certain procedure, rather than give any systematic treatment of the rules, which is foreshadowed only in the opening chapters of the Cullavagga and fully developed in the Parivāra. Thus any monk who knew by heart the *pāṭimokkhasutta* as a matter of course, and in addition the Parivāra, which seems to have been composed with strong mnemonic purposes in mind, was well equipped to handle all Vinaya questions that might arise in daily monastic life.

At the very beginning of the Parivāra a number of questions is asked and answered about every single rule in the *pāṭimokkhasutta*. This demonstrates what was considered to be important and necessary knowledge about the Vinaya. Although the whole network of these questions and answers deserves a detailed study, only that section will be discussed here which is connected with the Cullavagga passage quoted above: *channam āpattisamuṭṭhānānam katīhi samuṭṭhānehi samuṭṭhāti* (Vin V 1,14), "from how many origins of the six origins of offences does [the *pārājika*-offence (Vin V 1,6)] arise?"<sup>3</sup> This is answered by: *ekena samuṭṭhānena samuṭṭhāti kāyato ca cittato ca samuṭṭhāti na vācato* (Vin V 2,13 foll.), "[the first *pārājika*-offence] arises from one origin, from [the one involving] body and mind, [but] not speech (i.e. no. 4 in the list given above)".

This is different for the second *pārājika*-offence: *siyā kāyato ca cittato ca samuṭṭhāti na vācato, siyā vācato ca cittato ca samuṭṭhāti na kāyato, siyā kāyato ca vācato ca cittato ca samuṭṭhāti* (Vin V 3,37 foll.). Thus three different varieties of origin are mentioned for this particular

<sup>3</sup> The structure of the first two chapters of the Parivāra has not been understood properly in *BD* in this particular respect as the translation shows: "... by how many origins does (a monk) originate the offence". Leaving aside the difficulty of taking *sam-ut-sihā* as a transitive verb, the context in the Parivāra itself and later commentaries rule out any other subject in this sentence than *āpatti*.

offence and for the remaining two *pārājika*-offences. The same or sometimes different combinations apply for every single offence, and not rarely even all six combinations apply: *chahi samuṭṭhānehi samuṭṭhāti* (Vin V 6,6), concerning *saṃghadisesa* 6, or only three: *tīhi samuṭṭhānehi samuṭṭhāti* (Vin V 6,18), concerning *saṃghadisesa* 8. In this instance the Parivāra does not indicate which origins it is actually referring to.

A third way to indicate the origin of an offence is finally introduced on the occasion of *nissaggiya* 23: *dvihi samuṭṭhānehi samuṭṭhāti kaṭhinake* (Vin V 12,3), “arises by two origins as in the *kaṭhina*-group”. This refers back to *nissaggiya* 1 (Vin V 8,23), where the respective origin is explained. Further references of this kind follow, e.g. *eḷakalomake* (Vin V 14,15), referring to *pacittiya* 6 or *padasodhamme* (Vin V 14,20), referring to *pācittiya* 7.

How this system of reference operates can be deduced from the third chapter in the Parivāra, which is called *samuṭṭhānass’ uddāna* (Vin V 86,1–90,5). Altogether 13 different origins are enumerated there, and every rule of the *pāṭimokkhasutta* is assigned to its respective origin. Consequently this arrangement according to origins complements the first two chapters of the Parivāra, where this sequence of rules is kept as it is in the *pāṭimokkhasutta*.

At the end of each of these 13 groups the total of rules assembled is mentioned, e.g. *chasattati ime sikkhā kāyamānasikā katā* (Vin V 87,4\*), “these trainings are seventy-six done by body and by thought” (I.B. Horner), or *samapaññās’ ime dhammā chahi ṭhānehi jāyare* (Vin V 87,36\*), “exactly fifty are these items that are born from six occasions”, where by a slip of the pen *samapaññās(a)* is mistranslated by I.B. Horner as “thou understandeth” (BD VI, p. 127).<sup>4</sup>

Comparing this set of 13 *samuṭṭhāna* with the corresponding passage quoted from the Cullavagga, there seems to be an obvious difference. For the Cullavagga enumerates only six combinations of the three concepts *kāya*, *vācā*, and *citta*: *atth’ āpatti kāyato samuṭṭhāti ...*

<sup>4</sup> The actual number is 50, not 49 as suggested in BD VI, p. xix.

(Vin II 90,30), “there is an offence that arises from the body ...”, etc. This formulation seems to allow for only one origin for a particular offence, while the possibility of combining two or more is not even hinted at.

A further detail seems to differ in the system laid down in the Parivāra. For there is not a single offence arising from *kāya* alone. This may be due to the fact that this particular *samuṭṭhāna* has been inserted in the Cullavagga because of theoretical thinking only. In the same way the combination of *kāya* and *vācā* has been mentioned in the Cullavagga without it actually occurring, as observed in *The entrance to the Vinaya*.<sup>5</sup> Evidently it was considered more important to think of all possibilities irrespective of their actual occurrence, rather than to leave a gap in the system.

Alternatively it could be suspected that the opinion in *samuṭṭhāna* had changed in this respect during the perhaps considerable time separating Cullavagga and Parivāra. Although we do not possess any sources from which information can be gathered about the development of Buddhist ecclesiastical law during this period, it is certain that there was a continuous development.<sup>6</sup> In this connection it is therefore not surprising that little, if any, attention has been paid to the origin of offences in the oldest commentary on Vinaya material, namely the explanation of the *pāṭimokkhasutta* embedded in the Suttavibhaṅga, even

<sup>5</sup> Vajirañāṇa: *Vinayamukha: The entrance to the Vinaya*, Vol. I <sup>1</sup>1916, Bangkok 271965, p. 13. Further I.B. Horner draws attention to: *tattha katamaṃ āpatti no adhikaraṇaṃ: sotāpatti, samāpatti* (Vin II 93,3), “what here is an offence (but) no legal question? Stream-attainment (and) attainment” (I.B. Horner). This, of course, is a play on words, for there is no *āpatti* in a legal context that is not an offence. In contrast to the Theravādins, the Mūlasarvāstivādins have found an offence which is purely *kāyikī* (see R. Gnoli (ed.): *The Gilgit Manuscript of the Śāyanāsanavastu and the Adhikaraṇavastu*, Rome 1978, Serie Orientale Roma 50, p. 74, in the paragraph corresponding to Vin II 90,29–36).

<sup>6</sup> O. v. Hinüber: *Der Beginn der Schrift und frühe Schriftlichkeit in Indien*. Abhandlungen der geistes- und sozialwissenschaftlichen Klasse. Akademie der Wissenschaften und der Literatur, Mainz. Jahrgang 1989, Nr. 11, Chapter IX.

if there was an opportunity of doing so, e.g. in *pārājika* 2. Here, different conditions are discussed in the commentary, which might result in committing an *āpatti*, and among them: *theyyacittaṇ ca paccupaṭṭhitaṃ* (Vin III 54,17 etc.), “and the intention to steal arises”. No reference is made to the *samuṭṭhāna*-system expounded in the Cullavagga, and even the wording is markedly different, as *paccupaṭṭhita* is used instead of *samuṭṭhita*.

Although the outline of the *samuṭṭhāna*-system can be deduced from the Parivāra, it is much easier to turn to the pertinent explanation in the Kaṅkhāvitaraṇī. This commentary quotes three *kārikās*, which contain the different points that should be mentioned in the explanation of *pāṭimokkha*-rules, e.g. *nidāna*: the place such as Vesāli, *puggala*: the person concerned such as Sudinna in *pārājika* 1, *vatthu*: the offence, etc. In the list *samuṭṭhāna* is also found, to which some prominence is given by a further separate *kārikā* on this particular *vidhi*. The relevant passage begins: *sabbāpattinaṃ kāyo vācā kāyavācā kāyacittaṃ vācācittaṃ kāyavācācittān ti imāni ekaṅgikadvāṅgikativāṅgikāni cha samuṭṭhānāni, yāni sikkhāpadasamuṭṭhānāni ti pi vuccanti* (Kkh 22,30–33), “all offences have the [following] six origins:

1. body
2. speech
3. body-speech
4. body-mind
5. speech-mind
6. body-speech-mind,

which may have one (nos. 1,2), two (nos. 3,4,5), or three (no. 6) members, and which are called ‘origins of the (*pāṭimokkha*)-rules’”.

So this agrees with the corresponding passage in the Cullavagga. Then the Kaṅkhāvitaraṇī continues in a more specific way: “The first three without and the remaining three with mind: *acittaka-sacittaka*” (Kkh 22,33 foll.), and, more important still, the following combinations of these six groups of origins are enumerated:

- A. one origin: nos. 4,5,6
- B. two origins: nos. 1 + 4, 2 + 5, 3 + 6, 4 + 6, 5 + 6
- C. three origins: nos. 1 + 2 + 3, 4 + 5 + 6
- D. four origins: nos. 1 + 3 + 4 + 6, 2 + 3 + 5 + 6
- E. five origins: this is explicitly ruled out (Kkh 22,35)
- F. six origins: nos. 1–6

These 13 possible combinations are named after the respective first offence found in the *pāṭimokkhasutta* and considered to arise in that particular way:

- I. *paṭhamapārājika*: no. 4; 1 origin: Sp 271,21: Kkh 25,37
- II. *adinnādāna*, *pārājika* 2: nos. 4–6 (*sacittaka*); 3 origins: Sp 373,21–24: Kkh 30,26
- III. *sañcaritta*, *saṃghādisesa* 5: nos. 1–6; 6 origins: Sp 560,7: Kkh 39,27
- IV. *samanubhāsana*, *saṃghādisesa* 10: no. 6; 1 origin: Sp 611,5: Kkh 46,24
- V. *kaṭhina*, *nissaggiya* 1: nos. 3,6; 2 origins: Sp 650,25: Kkh 58,6
- VI. *elakaloma*, *nissaggiya* 16: nos. 1,4; 2 origins: Sp 689,10: Kkh 71,15
- VII. *padasodhamma*, *pācittiya* 4: nos. 2,5; 2 origins: Sp 744,9: Kkh 84,19
- VIII. *addhāna*, *pācittiya* 27: nos. 1,3,4,6; 4 origins: Sp 807,30: Kkh 100,16
- IX. *theyyasattha*, *pācittiya* 66: nos. 4,6; 2 origins: Sp 868,28: Kkh 126,17
- X. *dharmadesana*, *sekkhiya* 57: no. 5; 1 origin: Sp 898,29: Kkh 153,21
- XI. *bhūtārocana*, *pācittiya* 8: nos. 1,2,3; 3 origins: Sp 752,34: Kkh 86,23
- XII. *corivutṭhāpana*, *bhikkhunī-saṃghādisesa* 2: nos. 5,6; 2 origins: Sp 910,22: Kkh 162,18
- XIII. *ananuññāta*, *bhikkhunī-pācittiya* 80: nos. 2,3,5,6; 4 origins: Sp 943,18: Kkh 101,6

This classification, explained very clearly and in great detail at Kkh 22,3\*–23,30, is also dealt with, but very briefly, in the Samanta-pāsādikā (Sp 270,17–271,19). Here only half the origins are mentioned and the reader is simply referred to the Parivāra, where the origins “will be evident” (*āvibhavissanti*, Sp 270,20). Even the few names given in the



Samantapāsādikā point to a system slightly different from the one in the Kaṅkhāvitaraṇī:

- a. six origins
- b. four origins
- c. three origins
- d. *kaṭhina*
- e. *eḷakaloma*

f. *dhuranikkhepa* (Sp 270,21–24 [ending with °ādi “etc.”]).

This paragraph in the Samantapāsādikā refers to *pārājika* 1, about which it is said: “according to the origin it has one origin, according to members (*aṅga*) there is a double origin, [for it] arises from body-mind” (Sp 271,22 foll.). At the same time this gives at least a hint at the technical meaning of *aṅga* as used in references to *samuṭṭhāna*, which, again, has been neatly explained in the Kaṅkhāvitaraṇī (Kkh 22,32) as quoted above.

Following this system, the Samantapāsādikā regularly uses *chasamuṭṭhāna*, Sp 560,7 (= Kkh 39,29); Sp 574,19 (= Kkh 41,36); Sp 662,19 (against: *sañcaritta*, Kkh 63,35); Sp 664,28 (against: *sañcaritta*, Kkh 64,24, etc.);<sup>7</sup> *catusamuṭṭhāna*, Sp 807,30 (against: *addhāna*, Kkh 100,16); Sp 842,7 (against *addhāna*, Kkh 112,9, etc.).

The last head-word refers to *pācittiya* 27 only in the context of *samuṭṭhāna*; otherwise it is called *saṃvidhāna* (Sp 869,6 = Kkh 126,23, cf. also Vin V 86,23\*). Normally the name of the rule and the name of the *samuṭṭhāna* are identical.

These two groups, *chasamuṭṭhāna-sañcaritta* (or: *sañcari* [Vin V 87,26\*] in the meta-language of the *uddānas*) and *catusamuṭṭhāna-*

<sup>7</sup> Further instances can easily be found by means of the very helpful notes in *BD* VI, pp. 124–31, where all references to the *pāṭimokkha*-rules have been traced. The commentaries do not always give the name of the pertinent *samuṭṭhāna*, but refer back to preceding rules of identical origin, etc.: *kuṭṭi-kārasikkhāpade vuttanayen’ eva veditabbam saddhim samuṭṭhānādihi* (Sp 575,17), and similarly: *samuṭṭhānādihi catutthasādisān’ eva* (Kkh 66,2), both commenting on *nissaggiya* 7.

*addhāna*, are well defined by giving only the number of origins, as these are not shared by any other group.

At first glance, things seem to be rather confusing in respect to *tisamuṭṭhāna* (Sp 549,30) against: *adinnādāna* (Kkh 37,34 etc.), although the Samantapāsādikā usually enumerates the three relevant origins to remove any possible doubt. Beginning with *pācittiya* 60, however, only *tisamuṭṭhāna* (Sp 864,16) against: *adinnādāna* (Kkh 123,34) is mentioned. There is, however, no want of clearness, as the second group, to which *tisamuṭṭhāna* would apply, comprises only a single rule: *bhūtārocana* (Sp 752,34 = Kkh 86,23). The same is valid for the last two items of the set of 13 groups, *corīvuṭṭhāpana* and *ananuññāta*. Therefore the Samantapāsādikā, being well aware of this, combines these three items as *niyata* “restricted (i.e. to one rule: *sikkhāpada*)”: *etān’ eva tīni sikkhāpadāni niyatasamuṭṭhānāni, aññehi saddhim asambhinna-samuṭṭhānāni* (Sp 1305,12–14), “for these three rules have a ‘restricted’ origin that is not an origin ‘shared’ with other (rules)”.<sup>8</sup>

This special position of the groups nos. XI–XIII within the set accounts for the obvious break in the sequence of the head-words selected, which suddenly jumps backwards from no. X *dharmadesana*, *sekkhiya* 57 to no. XI *bhūtārocana*, *pācittiya* 8, which has been noted without further comment in *BD* VI, p. 130 note 19.

The next two groups mentioned in the Samantapāsādikā concur with nos. V and VI in the Kaṅkhāvitaraṇī. Consequently, they do not create any problem, in strong contrast to the very last name. For *dhuranikkhepa* is not used at all in the Kaṅkhāvitaraṇī, which has *samanubhāsana* instead. This, however, is not alien to the Samantapāsādikā either: *samanubhāsana* occurs at Sp 611,5 = Kkh 46,24, where it is introduced as the name of a particular group following the usage of the Parivāra. In *pācittiya* 64, however, the Samantapāsādikā suddenly

<sup>8</sup> This shows that *niyata* (Vin V 86,16\*) does not mean “regularized” as translated at *BD* VI, p. 123, but “restricted (to only one rule)”, though the verse as a whole remains difficult.

changes to *dhuranikkhepa* (Sp 866,32), perhaps because the expression *dhuraṃ nikkhittamatte* (Sp 866,15) is quoted from Vin IV 128,5 and commented on in this paragraph. In contrast to normal usage it is not the name of this *pāṭimokkha*-rule, which is called *duṭṭhulla* (Sp 867,1). In this respect it is similar to *saṃvidhāna*: *addhāna*, discussed above.

From then on *dhuranikkhepa* is employed, though somewhat irregularly it seems, for no rule can be found in the erratic changes between the names of this *samuṭṭhāna*. The subcommentaries do not offer any help concerning the designation *dhuranikkhepa*. When commenting on *pakiṇṇaka* (Sp 270,16), they simply refer to the possible alternative use of *dhuranikkhepa* and *samanubhāsana* at Sp-ṭ (B<sup>e</sup>) II 96,11 in a long and detailed explanation of the *samuṭṭhāna*, which is substantially the same as in the *Kaṅkhāvitaraṇī*, and at Vmv (B<sup>e</sup>) II 149,9 very briefly and in passing, while the *Vajirabuddhiṭikā* is altogether silent on this point. No subcommentary deemed it necessary to waste any words on the change from *samanubhāsana* to *dhuranikkhepa* in commenting on *pācittiya* 64.

A second difference from the *Kaṅkhāvitaraṇī* can, on the other hand, easily be explained. Wherever the *Samantapāsādikā* chooses numbers such as *chasamuṭṭhāna* as opposed to *sañcaritta*, it simply follows a system also found in the *Parivāra*, e.g.: *chahi samuṭṭhānehi* (Vin V 9,4). If this is abandoned, and names such as *kaṭhinaka* or *eḷakalomaka* (nos. V, VI) are preferred to *\*dvisamuṭṭhāna*, a name apparently never used in the commentaries in contrast to *dvīhi samuṭṭhānehi* (Vin V 8,23 etc.), in the *Parivāra*, the reason is obvious. Here only the names prevent confusion, as there are four groups with a double origin: *kaṭhina*, *eḷakaloma*, *padasodhamma*, and *theyyasattha* (nos. V, VI, VII, IX). Correspondingly, *paṭhamapārājika* is preferred to *ekasamuṭṭhāna* (cf. Vin V 5,16 etc.), because of *samanubhāsana* / *dhuranikkhepa* and *bhūtārocana* (nos. I, IV, X) all being subject to arising from only one origin. Where there are three groups sharing an equal number of origins, even the distinction between *sambhinna* “shared” and *niyata* “restricted” would fail to provide the necessary clarity.

Comparing the three Vinaya texts, the *Parivāra* being by far the oldest, and the *Kaṅkhāvitaraṇī* and the *Samantapāsādikā* being thought to be more or less contemporaneous, the following differences can be noted:

In the third chapter of the *Parivāra* all 13 names of *samuṭṭhāna* groups are given, but only *kaṭhinaka* (Vin V 12,3 etc.), *eḷakalomaka* (Vin V 14,15 etc.), and *padasodhamma* (only Vin V 16,35) are actually used in the first chapter on the Mahā- (i.e. Bhikkhu-) Vibhaṅga, while *dhuranikkhepa* (Vin V 55,15, and frequently in the following paragraphs), *paṭhamapārājika*, (Vin V 56,14 etc.), *kaṭhinaka*, (Vin V 57,33 etc.), *eḷakalomaka*, (Vin V 59,12 etc.), *theyyasattha*, (Vin V 60,27 etc.), and *padasodhamma* (only Vin V 70,16) all occur in the second chapter on the Bhikkhunīvibhaṅga. In both these chapters, however, the pertinent *samuṭṭhāna* is mostly referred to only by its number. Although the complete set of 13 names is available in the third chapter of the *Parivāra*, only two names have been used frequently in the first chapter, and six in the second chapter. Only in the latter does *dhuranikkhepa* occur, whereas *samanubhāsana* is avoided. Therefore one might suspect that *dhuranikkhepa* as a name of a *samuṭṭhāna* may originally have been a Vinaya word preferred by the nuns.

On the whole, the first two chapters of the *Parivāra* are much more circumstantial than later texts in the paragraphs concerning *samuṭṭhāna*. For phrases such as “arises from one origin such as body ...”, etc., or “arises from two origins as in the *kaṭhina*-group” could have been, and actually are, simplified by merely referring to the respective names of origins as enumerated in the third chapter of the *Parivāra*.

A much better systematization has been achieved in this respect in the *Samantapāsādikā*, in spite of some shortcomings if two names for one group interchange. It should be noted that the *Samantapāsādikā*, while extending the use of *dhuranikkhepa* to the Bhikkhupāṭimokkha, has not been influenced by the *Parivāra* in selecting either name: the *Parivāra*, which counts the *pārājika*-rules of the *bhikkhunīs* as nos. 5–8, has *dhuranikkhepa* (Vin V 55,15) in *pārājika* 5, in contrast to *samanubhāsana* (Sp 904,13).

Finally, in the Kaṅkhāvitarāṇī, the designation *dhuranikkhepa* has been removed from the text. At the same time only the set of 13 names found in the Parivāra has been used consistently. Thus some kind of progress in handling and systematizing this difficult material can be observed. This is perhaps most evident at the end of the commentary on the rules of the *pāṭimokkha*, e.g. of *nissaggiya* 1, where the Kaṅkhāvitarāṇī needs three lines (Kkh 58,6–8) in comparison to six needed by the Samantapāsādikā (Sp 650, 24–29) for the same matter.

Earlier Vinaya texts, however, are not distinguished in this respect alone from later ones, which occasionally also introduce new elements in the form of new concepts or terminology.

Thus it is said in the *ekuttaraka*-chapter of the Parivāra in the *ekaka*-paragraph: *sāvajjapaṇṇatti āpatti jānitabbā anavajjapaṇṇatti āpatti jānitabbā* (Vin V 115,8), “an offence that has been prescribed as ‘blamable’ should be known, an offence that has been prescribed as ‘non-blamable’ should be known”. As this classification is mentioned here for the first time and without any comment or example, it is impossible to control the explanation given in the Samantapāsādikā: *sāvajjapaṇṇatti ti lokavajjā, anavajjapaṇṇatti ti paṇṇattivajjā* (Sp 1319,26), “blamable means blamable because of common opinion, non-blamable means blamable because of an instruction (by the Buddha)”.<sup>9</sup> The terms *lokavajja* and *paṇṇattivajja* are used very frequently by both the Samantapāsādikā and the Kaṅkhāvitarāṇī, and they replace the apparently older pair *sāvajja*-, *anāvajjapaṇṇatti*, which are preserved only in the passage quoted above from the Parivāra and echoed once in: *anantarāyikā paṇṇattivajjā anavajjapaṇṇatti ti ca vuttam ... āpatti antarāyikā lokavajjasāvajjapaṇṇattito* (Vjb (B<sup>e</sup>) 553,7).

The more recent terms *lokavajja* and *paṇṇattivajja* emerge for the first time in the Milindapañha: *lokavajjam paṇṇattivajjam ... udaye hassa-*

<sup>9</sup> In spite of a correct explanation of this sentence in the footnote accompanying the translation, the text itself is mistranslated as “an offence the description (of which) is ‘blamable’ ...”, BD VI, p. 172 and note 9.

*dhammaṃ mahārāja lokassa anavajjam, tam jinasāsane vajjam* (Mil 266,19–28), “blamable by the world, ... blamable by the regulation (of the Vinaya) ... playing in the water is, sire, blameless in the world, but is blamable in the Dispensation of the Conqueror” (I.B. Horner: *Milinda's Questions* II, 1969, pp. 83 foll.). Although quite a few new words and forms are introduced by the Milindapañha into the Pāli vocabulary such as *iha* for older *idha* (CPD), *kaṭumika* (CPD), *jaṭhara* or *lipi*,<sup>10</sup> *lokavajja*: *paṇṇattivajja* may surface here perhaps by mere chance, because the idea as such is much older, as the Parivāra shows. Two things, however, are striking. Instead of *paṇṇatti* (Vin V 115,15), the form *paṇṇatti* is used in the Milindapañha and consistently in the Vinaya commentaries in *paṇṇattivajja*, which even intrudes into the quotation of *anavajja*-, *paṇṇattivajja* in the Vajirabuddhiṭkā. It seems impossible to decide whether an old eastern oral tradition is brought to the surface here, providing a further example of an old eastern Vinaya term,<sup>11</sup> or whether this rather mirrors the later Middle Indic development of *-ññ-* > *-ṇṇ-* (*Das ältere Mittelindisch im Überblick*, § 250).<sup>12</sup>

The second point is perhaps more interesting. In the Milindapañha *hassadhamma* comes under the category *lokassa anavajja* (Mil 266,28). This refers to *udake hāsadhammaṃ pācittiyaṃ* (Vin IV 112,22\*\* [*pācittiya* 53]), which is said to be *lokavajjam* (Sp 861,21), which is confirmed by Kkh 119,34. There is, however, no contradiction between the Vinaya commentaries and the Milindapañha, when the behaviour described in other *pāṭimokkha*-rules is attributed to *lokassa anavajja* in the latter text: *vikālabhojana* and *bhūtagāmaṇikopana* refer to *pācittiya* 37 and

<sup>10</sup> Cf. K.R. Norman: *Pāli Literature* (A History of Indian Literature, VII,2), Wiesbaden 1983, p. 111.

<sup>11</sup> Cf. *saṃmannati*, etc.: O. v. Hinüber: *The Oldest Pāli Manuscript*. Abhandlungen der geistes- und sozialwissenschaftlichen Klasse. Akademie der Wissenschaften und der Literatur, Mainz. Jahrgang 1991, Nr. 6, p. 13.

<sup>12</sup> The reading *paṇṇatti* with *-ṇṇ-*, not *-ññ-*, is confirmed throughout by the Milindapañha manuscript from Vat Lai Hin, North Thailand, dated AD 1495, cf. JPTS XI, 1987, pp. 111–19 and XII, 1988, pp. 173 foll.

11 respectively, which are classified as *paññattivajja* (Sp 838,7 and 769,12). Both offences are typical of the misbehaviour of monks, while there is nothing wrong if a layman eats at any time or digs the earth. Nor was it considered indecent or offensive for laymen to enjoy a bath, as is well known from innumerable references in classical Sanskrit literature. This may actually have induced the author of this passage in the Milindapañha to take *hassadhamma* as *lokassa anavajja* corresponding to *paññattivajja*, for which he gives a definition that differs from the one found in later legal literature: *dasa akusalakammāpathā idam vuccati lokavajjam* (Mil 266,20 foll.), in contrast to: *yassa sacittakapakkhe cittaṃ akusalam eva hoti taṃ lokavajjam nāma, sesaṃ paññattivajjam*, (Sp 229,2 foll. ≠ Kkh 24,13–15). At the same time the Samantapāsādikā considers the 10 *akusalakammāpatha* as enumerated at D III 269,1–4 or Vibh 391,25–27 as *akusaladhamma*, which are divided into *kāya*-, *vācī*-, and *mano-duccarita* (Sp 134,11–16). This does not have any connection with the classification as *sa-citta*: *a-citta* of the *pāṭimokkha*-rules, which can be seen quite clearly, e.g. at Sp 271,25–30: the *akusalacitta* conditioning *pārājika* 1 is *lobhacitta*, which does not figure among the *akusalakammāpatha*.

Thus both texts, the Milindapañha on the one hand, and the Samantapāsādikā/Kaṅkhāvitaraṇī on the other, use different definitions of *lokavajja*, and within their respective definitions the classification seems to be consistent. Again, it is impossible to tell whether this remarkable difference should be interpreted in terms of chronology, i.e. understood as a development of Theravāda ecclesiastical law, or as sectarian.<sup>13</sup> If the

<sup>13</sup> Attention is drawn to this important alternative in explaining differences among different Vinayas by G. Schopen, "On Avoiding Ghosts and Social Censure", *Journal of Indian Philosophy* 10, 1992, pp. 1–39, especially p. 4. In spite of Schopen's brilliant argument, I am convinced that the Pāli Vinaya is by far the oldest extant text of its type. This, of course, does not mean that other Vinayas do not very occasionally contain very old material, while the Mūlarsarvāstivāda-Vinaya seems especially to be penetrated by the spirit of innovation. This, however, needs much more research, and these remarks are not meant to diminish the highly interesting and important results of Schopen's

latter were correct, this would point to the Milindapañha as being some sort of an intruder into the Theravāda tradition, importing a new idea which in this particular case has not been accepted by the Mahāvihāra orthodoxy.

For modern interpreters of the Vinaya, the divisions *sacittaka* : *acittaka* and *lokavajja* : *paññattivajja* remain meaningful, and the latter is even developed in a rather bold way quite in contrast to the *samuṭṭhāna*, which are thought to be "superfluous and unclear" by Vajirañāṇa, the 10th Saṃgharāja of Thailand, in his *Vinayamukha: The entrance to the Vinaya*, I, pp. 12–16, especially p. 13.

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contribution as a whole. It would be interesting to know if there are traces of a similar *samuṭṭhāna*-classification in Vinaya schools other than the Theravāda. If the Samantapāsādikā was translated into Chinese under Dharmaguptaka influence as stated by P.V. Bapat: *Shan-Chien-P'i-P'o-Sha*, Poona 1970, p. 1, this school at least did not seem to have been very familiar with this concept as the gross mistranslation of Sp 62,17–21 (p. 422), the somewhat surprising translation of Sp 228,1 foll. (p. 169) and other instances show. The pair *sāvadyam*: *anavadyam* turns up in *pātayamtika* 75 (Sarvāstivāda) in: G. v. Simson: *Prātimokṣasūtra der Sarvāstivādins*. Teil I. Sanskrittexte aus den Turfanfunden XI. Abhandlungen der Akademie der Wissenschaften in Göttingen. Philologisch-historische Klasse. Dritte Folge Nr. 155. Göttingen 1986, p. 229 (SHT 538, Bl. 26R4). However, the sentence containing the relevant words occurs in only one manuscript, and is missing in others.